



February 13, 2013

Hon. Inez Dickens
Hon. Daniel Garodnick
Hon. Melissa Mark-Viverito
Hon. James Vacca
Hon. Mark Weprin
250 Broadway, Suite 1749
New York, NY 10007

Dear Councilmembers,

Common Cause/NY and the Human Rights Project at the Urban Justice Center (HRP) have long expressed concern that the centralization of power within the Speaker's office is detrimental to the democratic functioning of the New York City Council. Common Cause/NY works for effective legislative functioning at all levels of government, advocating for best practices and rules that encourage legislators to be effective advocates for creative solutions to the problems we all face as well as for their constituents. HRP's *New York City Council Human Rights Report Card* has highlighted the centralization of power in the New York City Council for several years. The City Council is set up so that the Speaker controls bill drafting, central staff, committee assignments, and most importantly, member item funding. As a practical matter, we understand that the Speaker also has inordinate control over scheduling committee hearings, the topics that they cover and floor votes. As a result, voters across the city, regardless of their representative, are subject to the discretion of a single individual. While we support an orderly legislative process, an autocratic structure runs contrary to the tenets of representational democracy and must be reformed.

The core problem is the political power that the office of the Speaker has accrued, derived largely from the strict reward and retribution system in place with regards to member item funding and committee preference.

Under the current Speaker, the rules have been admirably reformed to make it easier for rank and file members to move legislation, as was detailed in HRP's 2012 *Report Card*. However, the reality remains that, in practice, legislation rarely advances without the approval of the Speaker. Rules like the "Sponsor's Privilege" (Council Rule 7.100), which allows the primary sponsor of a bill to move the bill to a hearing or a vote if it has stalled in committee, are rarely put into effect. Since the Speaker's office controls bill drafting, committee assignments and member item funding, Council members must always consider their actions in relation to the Speaker or risk retribution. While there are mechanisms such as the Sponsor's Privilege or a Motion to Discharge (pursuant to Rule 7.130), members rarely use them, most likely because of fear of retribution for acting independently.

The distribution of member item funding appears to be motivated by factors like political loyalty rather than objective criteria. As a result, the vast disparity between individual member item

funding is a direct function of the Speaker's individual preference. The Speaker is able to reward or punish members at his/her discretion so that taxpayer dollars, dedicated for the public good, become no more than a political football. Although the current Speaker has denied that political loyalty influences member item distributions, there are continuing allegations to the contrary.

Common Cause/NY believes that the solution is simply to eliminate member item funding altogether and replace what is now solely discretionary funding with a more objective procedure in which Council members have an important but not conclusory voice. Short of that, others have suggested that member item funding should be equally apportioned and capped, just like the operational budgets for each member's office, as well as distributed pursuant to objective criteria.

We are also supportive of revisions to the procedure for naming Committee Chairs so that Council Members have more input.

According to published reports, you are a prospective candidate for Speaker, and as such, Common Cause/NY and the Human Rights Project are interested in learning your position on the above areas for reforming the Council rules. Common Cause/NY and HRP are eager and willing to help develop effective Council rules and procedures that better serve all New Yorkers.

We look forward to receiving your written reply and future public discussions of improved procedures.

Sincerely,



Susan Lerner
Executive Director
Common Cause/NY



Erin Markman
Policy and Research Coordinator
Human Rights Project